

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

THE PNC FINANCIAL SERVICES GROUP, )  
INC. and PNC BANK, N.A., Individually and as )  
Successor in Interest to NATIONAL CITY )  
BANK, ) CIVIL DIVISION  
)  
Plaintiffs, ) No. 2:13-cv-00331-CB-MPK  
)  
v. ) **JURY TRIAL DEMANDED**  
)  
HOUSTON CASUALTY COMPANY and )  
AXIS INSURANCE COMPANY, )  
)  
Defendants. )  
)  
)

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**JOINT MOTION TO EXTEND TIME TO FILE PROPOSED SCHEDULING ORDER**

Plaintiffs, PNC Financial Services Group, Inc. and PNC Bank, N.A., successor in interest to National City Bank, and Defendants, Houston Casualty Company and AXIS Insurance Company (collectively, the “Parties”), jointly file this Motion to Extend Time to File Proposed Scheduling Order, and in support thereof state as follows:

1. On October 8, 2013, Magistrate Judge Maureen Kelly entered a case management order (ECF No. 39) (“Case Management Order”) in the above-captioned case which provided, in relevant part:

To the extent the Court’s Order on the Phase 1 Cross Motions for Judgment on the Pleadings does not result in a final judgment fully resolving this litigation, the parties will meet and confer to negotiate a proposed schedule for and any limitations to Phase 2 discovery, and will submit to the Court a proposed order addressing these issues within 30 days of the Court’s Order on the parties’ Cross Motions for Judgment on the Pleadings.

2. In a Memorandum Order dated June 24, 2014 (ECF No. 63) (“Memorandum Order”), United States District Judge Cathy Bissoon granted in part and denied in part both

Plaintiffs' Motion for Judgment on the Pleadings (ECF No. 47) and Defendants' Motion for Judgment on the Pleadings (ECF No. 50).

3. On July 2, 2014, Plaintiffs filed a Motion for Partial Reconsideration of the Memorandum Order (ECF No. 64) and on July 9, 2014, Defendants filed their Opposition to Plaintiffs' Motion for Partial Reconsideration (ECF No. 67). On July 28, 2014, the court denied Plaintiffs' Motion for Partial Reconsideration (ECF No. 68).

3. Pursuant to the Case Management Order, by August 27, 2014, the Parties are required to submit to the Court a proposed scheduling order. The Parties are currently discussing the exchange of information that is necessary to resolve the remaining issues identified in Judge Bissoon's Memorandum Order.

4. Accordingly, the Parties hereby respectfully request that the Court extend the date upon which the Parties must file a proposed scheduling order until Monday, October 10, 2014.

WHEREFORE, the Parties jointly request that the Court enter an order extending the deadline to submit a proposed scheduling order in this case until October 10, 2014.

Respectfully submitted,

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August 21, 2014

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**PROPOSED ORDER**

AND NOW this \_\_\_ day of August, 2014, upon consideration of the Joint Motion to Extend Time to File Proposed Scheduling Order, it is hereby ORDERED that the Motion is GRANTED. The parties shall submit their proposed scheduling order by October 10, 2014.

By the Court:

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J.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing has been served via ECF on all counsel of record:

Dated: August 21, 2014

/s/ Courtney C.T. Horrigan